

1
2
3
4
5
6
7
8
9
10

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 JAMES OSBORNE,

12 Plaintiff,

13 v.

14 STEVEN JEWITT, et al.,

15 Defendants.

CASE NO. C10-5431RBL/JRC

16 ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

17
18
19 This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate
20 Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and(B) and Local Magistrate Judges' Rules
21 MJR 1, MJR 3, and MJR 4. The matter is before the court on plaintiff's motion for appointment
22 of counsel (Dkt. # 15).

23
24 There is no right to have counsel appointed in civil rights cases. Although the court can
25 request counsel to represent a party, 28 U.S.C. § 1915(e) (1), the court may do so only in
26 exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986);
Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th

1 Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood
2 of success on the merits and the ability of the plaintiff to articulate his claims pro se in light of
3 the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

4 Plaintiff has demonstrated an adequate ability to articulate his claims pro se and has not
5 made an argument regarding the likelihood of success on the merits. The motion is **DENIED**.

6 The clerk's office is directed to remove Dkt. # 15 and send plaintiff a copy of this order.

7
8 DATED this 28th day of September, 2010.

9
10 

11 J. Richard Creatura
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26